



Appl. No. 10/708,564
Docket No. 144726/GEM-0102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/708,564 : Confirmation No.: 2563
Applicant: Darin R. Okerlund : Group Art Unit: 3768
Filed: March 11, 2004 : Examiner: Weatherby, Ellsworth
Docket No.: 144726/GEM-0102 :

For: CARDIAC IMAGING SYSTEM AND METHOD FOR PLANNING MINIMALLY
INVASIVE DIRECT CORONARY ARTERY BYPASS SURGERY

November 19, 2009

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Sir:

Provided herewith are comments on the Examiner's Statement of Reasons for Allowance presented in the Notice of Allowance dated September 18, 2009.

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope, or Express Mail No. _____, addressed to Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to 871-273-2885 at the United States Patent and Trademark Office, on the date shown below.

Linda Leavelle [Signature] 11/23/09
Name Signature Date

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The Examiner remarks that Claims 1-4, 6, 8-13, 16-20, 22-26 and 28-30 are allowed for reasons set forth in Paper No. 20090605, pages 7-8.

While Applicant agrees that presented claims pertain to allowable subject matter, Applicant respectfully submits that to the extent that the Examiner's remarks imply, suggest or state that certain limitations or combinations not found in the prior art of record relied upon are or may be present in each and every allowable claim, whether or not specific language to that effect is found in every allowable claim, the record as a whole must be considered in addition to the Examiner's remarks, and, to the extent that the record as a whole is clear and complete, it shall control the interpretation of any and all allowable claims.

More specifically, the Examiner's statement of reasons implies that features found in the specification only, in the dependent claims only, or in some but not all independent claims only, are part of all of the allowable claims, when in fact the record clearly reflects that there are claims not so limited. For example, elements may be found in one claim but not in another. Accordingly, the other claims, and claims dependent from the other claims that do not recite the same as the one claim, are not so limited. As further example and without limitation, allowed independent Claim 1 does not specifically recite "generating a 3D model *of the left ventricle and thoracic wall*", or "identifying one or more *left ventricle* anatomical landmarks". Accordingly, these claims, and claims dependent from these claims that do not recite the same, are not so limited. And, other claims not reciting certain limitations cannot be limited by such unrecited limitations.

Respectfully submitted,
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